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SAWYER LAW GROUP
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/943,061
Filing Date: August 30, 2001
Appellant(s): LAKHANI ET AL.

MAILED

NOV 27 2006

Technology Center 2100

Erin C. Ming
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 18, 2006 appealing from the Office action mailed August 02, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,606,744	Mikurak	08/12/2003
6,041,411	Wyatt	03/21/2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikurak (U.S. Patent No. 6,606,744) in view of Wyatt (U.S. Patent No. 6,041,411).

As to claim 1, Mikurak discloses an e-commerce system [e.g., Fig(s). 2-4] for enabling the purchase of a package of products and services [e.g., Fig(s). 53-55], comprising:

- a) a catalog database [e.g. see the modules 5300, 5324 of Fig. 53; Fig. 80; the Application Database of Fig. 121] comprising package data correlated to at least one package [e.g. see col. 178, lines 19-46].
- b) a selection module coupled to the catalog database for allowing a customer to select a package for purchase [e.g. see the shopping Cart processing at col. 96 et seq., Fig. 55].
- c) a resolution module coupled to the catalog database for resolving unresolved attributes of the one or more products in the selected unresolved package [e.g. see the Problem Handling process 1502, Fig(s). 21, 25 & col. 46, lines 54 – col. 48, lines 41].

Mikurak did not expressly details the claimed features of resolving the unresolved attribute of products in a package by accessing the package data correlated to the selected unresolved package.

However, Wyatt disclosed an e-commerce system that details the claimed features of resolving the unresolved attribute of products in a package is by accessing the package data correlated to the selected unresolved package [e.g., Fig(s). 3, 7 and associated texts, col. 9, lines 24 – col. 10, lines 40].

Mikurak and Wyatt are in the same field of providing a resolution module to resolve the problems occurred in an e-commerce system. Thus, with the teachings of Mikurak and Wyatt in front of him/her, a ordinary skilled person in the art, at the time the invention was made would be motivated to modify Mikurak's resolution module with the technique taught by Wyatt, because by doing so, the combined system will provide an upgraded resolving module to resolve the unresolved attribute of products in a package via direct accessing the package data correlated to the selected unresolved package such that the product is ensured to be automatically launched upon purchase [e.g., Wyatt: col. 10, lines 30 – 40]

As to claim 2, the combined system further discloses the catalog database comprising item data, product data and attribute data [e.g., Mikurak: the Item catalog screen processing, col. 97, line 49 – 59; Wyatt: Fig.(s) 5-7].

As to claim 3, the combined system further discloses the catalog database comprising image data correlated to at least one package [e.g., see Mikurak: the on-line display of purchase list, col. 28, lines 21-23; col. 97, lines 55-56].

As to claims 4-5, the combined system further discloses the system connected to a global communication network – Internet [e.g., see Mikurak: the network (135), Fig. 1].

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As to claims 6-9, the combined system further discloses the system comprising catalog database, selection module, resolution module, ordering module, and payment module [e.g., see Mikurak: Fig. 4, Fig(s). 20-27].

As to claims 10-16, these claims recite similar features as claims 1-9 in form of e-commerce processing method, hence are rejected for the same reason.

As to claims 17-25, these claims recited similar features as claims 1-15 in form of computer readable product implemented in multimedia signal-baring medium, via modulated carrier signal transmission over a network/internet [e.g., see Mikurak: Abstract, lines 1-12]. Thus, they are rejected for the same reason.

(10) Response to Argument

Applicant's arguments filed on September 18, 2006 have been fully considered but they are not persuasive.

The Examiner disagrees with Appellant's piecemeal interpretation and arguments against the 35 U.S.C. § 103(a) rejections. The main arguments are summarized as following: " Mikurak and Wyatt do not, alone or in combination, disclose, teach, or suggest "a catalog database comprising a catalog entry table including package data correlated to at least one unresolved package, wherein the at least one unresolved package includes one or more products with at least one unresolved attribute".

In reply to the above arguments, the examiner directs Appellant's attention to the following Figures and excerpts of Mikurak:

For example at Figure 121, Mikurak clearly discloses an on-line shopping e-commerce system for enabling the purchase of package products data, which comprises an integrated framework as shown in Fig. 53 and processing logical flows as shown in Fig(s). 54-55, via an open electronic communication network such as Internet, electronic commerce LAN, merchant LAN, and payment service Network as described in Fig. 121, wherein, the network data communication is using the claimed Packet processing [e.g., the packet filter Router technique at Fig. 121], and the application database of Fig. 121 is deemed to have tables for storing the catalog products information of web service applications as shown by the units: 5300, 5324 of Fig. 53.

In addition, Mikurak clearly discloses a selection module coupled to the catalog database for allowing a customer to select an unresolved package for purchase [e.g., the shopping Cart technique of 5300, Fig. 53 and Fig. 55 associated texts].

Moreover, Mikurak discloses his system comprises a resolution component [e.g., the problem handling module 1502, Fig. 21] that handles troubles reported by customers, identifies causes and provides resolutions as shown in Fig. 21.

Furthermore, Mikurak clearly discloses the claimed unresolved package communication which definitely includes one or more products with at least one unresolved attributes as shown by the order handling unit that correlates with invoice/collections, customer enquiries & enquiries resolution units to create or delete

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the attributes of customer account for the selected orders accordingly as shown in Fig. 25 and associated texts.

In order to assist Appellant to appreciate that the prior art on record details the claimed limitations of resolving the unresolved attribute of products in a package by accessing the package data correlated to the selected unresolved package, the examiner further points out a second patent issued to Wyatt that discloses an e-commerce system as shown in Fig. 3, wherein the e-commerce system accesses the package data correlated to the selected unresolved package as shown in Fig. 7 with excerpts recited as following:

"In one embodiment of the invention, the digital token is associated with the data at a server computer system prior to being transmitted to a recipient client server system. The association of a digital token to particular data indicates that the data has been validly requested and received by the client computer system 12 from the server computer system 14. A valid request in one embodiment of the invention includes requesting the data and making payment for the requested data, in which case the server computer system attaches the digital token to the requested data prior to transmitting the requested data to the client computer system. This digital token is subsequently used by the client computer system to determine whether-the data has been validly purchased." (col. 7, lines 37 - 50)

"To control the client computer system's access to requested data which has been received from the server computer system, one or more computer instructions are also associated with the data stored in the storage device during the wrapping step 34 as illustrated at step 84. These computer instructions essentially "wrap" the requested data by embedding the requested data within the computer instructions such that the data cannot be extracted without successfully executing the computer instructions. In one embodiment of the invention, the computer instructions are organized into an executable file such that the computer instructions are performed when an attempt is made to access the data." (col. 7, lines 51-63)

Here, Wyatt clearly details the argued limitations for a resolution module [e.g., the use of server module as shown in Fig. 3] to resolve (or validate) the unresolved attribute (e.g., the digital token 169, Fig. 7) of a product order request, the system accesses the digital token attribute (169, Fig. 7) that is correlated with the selected package products identified by the Stock Keeping Unit (SKU) as shown in Fig. 7 prior to transmit the ordered package to the client system.

Since Mikurak and Wyatt are both of the same endeavor to provide a resolution module for resolving the unresolved package occurred in an e-commerce system [e.g., Mikurak: the shopping cart technique of 5300, Fig. 53 and Fig. 55 associated texts; Wyatt: the server module of Fig(s). 3, 7 and associated texts]. Thus, with the teachings of Mikurak and Wyatt in front of him/her, it would have been obvious for a ordinary skilled person in the art, at the time the invention was made to be motivated to modify Mikurak's shopping cart resolution module with the client/server technique as taught by Wyatt, for the purpose of providing an upgraded resolving module in the combined system that facilitates the direct accessing of the unsolved package data for the combined on-line shopping cart selection and thereby ensures only when the resolution module (e.g., the server) completes the resolution of the unsolved attribute by accessing the unsolved attributes (e.g., a digital token) associated with the selected unresolved product package then the package will be automatically wrapped and launched for transmission to the client upon purchase.

Therefore, based on the discussion above, in contrary to Appellant's arguments/piecemeal interpretations, the prima facie case of obviousness is established.

The examiner further disagrees with Appellant's arguments that "In the present invention, "the at least one unresolved attribute" has to be resolved before payment can even be arranged since only fully resolved packages can be added to a shopping cart ... Thus, Mikurak fails to disclose, teach, or suggest any products having at least one unresolved attribute, as recited in claim 1."

In reply to these arguments, it is noted that the features upon which applicant relies (i.e., the at least one unresolved attribute has to be resolved before payment can even be arranged since only fully resolved packages can be added to a shopping cart) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As to the rest of arguments, applicant merely rehashes issues already addressed on record.

For the above reasons, it is believed that the rejections should be sustained.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

Susan Y Chen
Examiner
Art Unit 2161



Conferees:

Jeff Gaffin


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Supervisory Patent Examiner

Chace Christian

Supervisory Patent Examiner



CHRISTIAN CHACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100